



Phone: 712.580.5800
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www.smunet.net

February 25, 2010

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Suite TW-A325
Washington, D.C. 20554

RE: EB Docket No. 06-36
Annual CPNI Certification

Dear Ms. Dortch:

In accordance with FCC Enforcement Advisory DA 10-91, issued on January 15, 2010, attached is the annual CPNI certification filing covering the year of 2009, pursuant to 47 C.F.R § 64.2009(e), for Spencer Municipal Utilities

Sincerely,

A handwritten signature in black ink that reads "Steve Pick".

Steve Pick
General Manager, CEO
Spencer Municipal Utilities

Attachment

cc: Best Copy and Printing, Inc.
445 12th Street
Suite CY-B402
Washington, D.C. 20554
Email: FCC2BCPIWEB.COM

Annual 64.2009(e) CPNI Certification for 2010 covering the prior calendar year 2009

1. Date filed: February 25, 2010
2. Name of company(s) covered by this certification: Spencer Municipal Utilities
3. Form 499 Filer ID: 820746
4. Name of signatory: Steve Pick
5. Title of signatory: General Manager, CEO
6. Certification:

I, Steve Pick, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

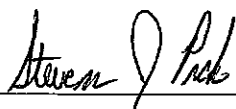
Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.

The company has received customer complaints in the past year concerning the unauthorized release of CPNI

The company represents and warrants that the above certification is consistent with 47. C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed



Attachments:

Accompanying Statement explaining CPNI procedures
Summary of customer complaints



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SPENCER MUNICIPAL UTILITIES DISCIPLINE NOTICE

CONFIDENTIAL

DATE: January 20, 2010

The SMU Sales & Marketing Coordinator received a complaint from a recently disconnected cell phone customer regarding his sales person. SMU was told that the CSR's conversation with the customer in the CSC was too personal and that the customer had to continually steer the conversation back to cell phone business. The customer also was concerned with the fact that the CSR was texting him with her personal phone. When the customer returned the cell phone, there were text messages left in the phone and it was observed by the employee that cleaned it out that the CSR had sent text messages to this customer. The messages were personal in nature, not relating to SMU service.

To follow up on the complaint, I placed a call to the customer identifying myself as the Customer Service Manager. I explained to the customer that I wanted to follow up on his disconnection of service and the concerns he had about the service he received. I asked about the specific complaint that was given the SMU Sales & Marketing Coordinator, asking if he would mind telling me if he felt that his service crossed a business/personal boundary. He stated that when the CSR helped him she asked him where he worked and discovered that she knew one of his co-workers. He said that she then took her conversation to a personal level. He was not offended by her statements, but told me that she was speaking to him 'as if they were friends when they are not'. He stated that after that encounter he began receiving text messages, from her, of a personal nature. I asked him if the messages had stopped and he stated they had. I asked 'so once you asked her to stop she did?' and he said 'yes'.

I then explained to him that we have very strict guidelines to privacy and I appreciated his answering my questions as we take them very seriously. He said he understood. I asked 'would this CSR have known your cell phone number if you were not a customer of SMU and he stated 'no'.

To contact a customer for personal reasons, without permission, using a phone number that is only known because of their business association with SMU is directly in violation of CPNI guidelines.

This employee was terminated on January 25, 2010.

Keetah Dodson

Customer Service Manager

OPERATING PROCEDURES FOR COMPLIANCE WITH CPNI RULES

Spencer Municipal Utilities (the "Company") has implemented the following procedures to ensure that it is compliant with Part 64 of Title 47 of the Code of Federal Regulations, Subpart U – Customer Proprietary Network Information (CPNI), § 64.2001 through § 64.2011.

Compliance Officer

The Company has appointed a CPNI Compliance Officer. The Compliance Officer is responsible for ensuring that the Company is in compliance with all of the CPNI rules. The Compliance Officer is also the point of contact for anyone (internally or externally) with questions about CPNI.

Employee Training

The Compliance Officer arranges for the training of all employees on an annual basis, and more frequently as needed. Any new employee is trained when hired by the Company. The training includes, but is not limited to, when employees are and are not authorized to use CPNI, and the authentication methods the company is using. The detail of the training can differ based on whether or not the employee has access to CPNI.

After the training, all employees are required to sign a certification that they have received training on the CPNI rules that they understand the Company's procedures for protecting CPNI and they understand the Company's disciplinary process for improper use of CPNI. Training includes notice to employees that the CPNI manual is housed in the Compliance Officer's office.

Employees are instructed that if they ever have any questions regarding the use of CPNI, or if they are aware of CPNI being used improperly by anyone, they should contact the Compliance Officer immediately.

Disciplinary Process

The Company has established a specific disciplinary process for improper use of CPNI. The disciplinary action is based on the type and severity of the violation and could include any or a combination of the following: retraining the employee on CPNI rules, notation in the employee's personnel file, formal written reprimand, suspension or termination.

The disciplinary process is reviewed with all employees.

The Company's disciplinary process is part of the employee personnel policy. Employees have access to this policy on the company network.

Customer Notification and Request for Approval to Use CPNI

The Company has provided notification to its customers of their CPNI rights and has asked for the customer's approval to use CPNI via the opt-out method. A copy of the notification is also provided to all new customers that sign up for service.

The status of a customer's CPNI approval is prominently displayed as soon as the customer's account is accessed so that employees can readily identify customers that have restricted the use of their CPNI.

For the customers that have opted-out and said the Company cannot use their CPNI, that decision will remain valid until the customer changes it.

The company sends the opt-out notice every two years to those customers that have not previously opted out.

The Company will provide written notice within five business days to the FCC of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

A copy of the most recent notification is kept in the CPNI official files.

Marketing Campaigns

If the Company uses CPNI for any marketing campaign, the Compliance Officer will review the campaign and all materials to ensure that it is in compliance with the CPNI rules.

The Company has a process for maintaining a record of any marketing campaign of its own, or its affiliates, which uses customers' CPNI.

Authentication

The Company does not disclose any CPNI until the customer has been appropriately authenticated as follows:

In-office visit - the customer must provide a valid photo ID matching the customer's account information.

Customer-initiated call - the customer is authenticated by providing an answer to a pre-established question and must be listed as a contact on the account.

If the customer wants to discuss call detail information that requires a password, the following guidelines are followed:

- If the customer can provide all of the call detail information (telephone number called, when it was called, and the amount of the call) necessary to address the customer's issue, the Company will continue with its routine customer care procedures.
- If the customer cannot provide all of the call detail information to address the customer's issue, the Company will: (1) call the customer back at the telephone number of record, (2) send the information to the address of record, or (3) ask the customer to come into the office and provide a valid photo ID.

Notification of Account Changes

The Company promptly notifies customers whenever a change is made to any of the following:

- Address of record.
- The notification to the customer will be made either by a Company-originated voicemail or text message to the telephone number of record or sent to the address (postal or electronic) of record.

The Company has a process for tracking when a notification is required and for recording when and how the notification is made. The billing software generates a message stating that the customer must be notified. The CSR then either calls the customer or sends the software generated letter to the customer. Information about the notification is noted in the software.

Notification of Breaches

Employees will immediately notify the Compliance Officer of any indication of a breach. If it is determined that a breach has occurred, the Compliance Officer will do the following:

- Notify the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) as soon as practicable, but in no event later than 7 business days after determination of the breach. The notification will be via the FCC link at <http://www.fcc.gov/e911/admi>.



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Customer Proprietary Network Information (CPNI) Acknowledgement

On an annual basis an officer of our company must certify that its established procedures that are adequate to ensure compliance with the FCC's Customer Proprietary Network Information (CPNI) rules and that the rules have been reviewed with employees, especially those that have access to CPNI.

Attached is a summary of the CPNI rules for your review. With regard to the rules, please note that our company has asked customers for approval to use their CPNI for marketing purposes. If a customer said no, it is clearly noted in the customer's record.

Any questions you have regarding the rules should be referred to Keetah Dodson.

Once you have reviewed the rules, please sign and date the following:

I have reviewed and understand the CPNI rules and the company's policy for compliance with the rules. I also understand that inappropriate use of CPNI will result in disciplinary action by my employer.

Employee Printed Name: _____

Employee Signature: _____

Date: _____